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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/905,432

07/13/2001

Patrick H. Hayes

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02/10/2006

GREENBERG TRAURIG, LLP  
77 WEST WACKER DRIVE  
SUITE 2500  
CHICAGO, IL 60601-1732

EXAMINER

NATNAEL, PAULO S M

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/905,432

Applicant(s)

HAYES ET AL.

Examiner

Paulos M. Natnael

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 16-20, 22-27, 29, 32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 19, 20, 22, 26, 27, 29, 32 and 33 is/are allowed.
- 6) ☒ Claim(s) 16-18, 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In view of the Appeal Brief filed on November 3, 2005, PROSECUTION IS HEREBY REOPENED. An office action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims **16-18,23-25** are rejected under 35 U.S.C. 102(e) as being anticipated by Jain et al., U.S. 6,360,234.

Considering claims **16** and **23**,

a) the claimed “extracting the close captioning information from a video signal” is met by the caption decoder 230, fig.3;

b) the claimed phrases “loading the closed captioning information extracted from the video signal into a pre-formatted mark-up language page” and “transmitting the mark-up language page to a device having a display”, are met by the Video Cataloger 110, fig.3 and fig.16, where the CC-text HTML Frame 908 is illustrated and then separately displayed as shown on Fig.17 along with video signal 904.

As to claims **17** and **24**, the cataloger 110 is implemented in a computer (client) workstation. And of course computers inherently comprise memory devices to store any data or information. As to the claimed steps of loading and transmitting being performed on a periodic basis, processes such as loading and transmitting must be performed periodically in desired, programmed schedules.

Regarding claims **18** and **25**, Jain discloses that any information or data may be requested for view. In particular, Jain teaches, “This information is encapsulated in an HTML frame 896 used to view this data on request, and is linked to the main HTML frame 916.” See Col. 13, lines 2-9 and line 52 to col. 14 line 3. (See also col. 10 lines

35-41, where metadata tracks such as the CC-text may be requested by the device for further processing as shown in Fig.7).

***Allowable Subject Matter***

4. Claims **1-7,19, 20, 22,26,27,29,32 and 33** are allowable over the prior art.

5. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose a system comprising the following combinations of limitations: a hand-held device having a display; and a consumer appliance having an application for reading closed captioning information from a video signal and for loading the read closed captioning information read from the video signal into a pre-formatted mark-up language page; wherein the hand-held device and the consumer appliance are adapted to communicate such that the consumer appliance can transmit the mark-up language page to the hand-held device and the hand-held device can display the mark-up language page including a representation of the closed captioning information in the display, as in claim 1;

a hand-held device having a display; and a karaoke device having an application for reading song lyrics from a recorded media and for loading the song lyrics read from the recorded media into a pre-formatted mark-up language page; wherein the hand-held device and the karaoke device are adapted to communicate such that the karaoke device can transmit the mark-up language page to the hand-held device and the hand-held device can display the mark-up language page including a representation of the song lyrics in the display, as in claim 5;

a hand-held device having a display; and a consumer appliance having an application for reading movie sub-titles from a recorded media and for loading the read movie sub-titles read from the recorded media into a pre-formatted mark-up language page; wherein the hand-held device and the consumer appliance are adapted to communicate such that the consumer appliance can transmit the mark-up language page to the hand-held device and the hand-held device can display the mark-up language page including a representation of the movie sub-titles in the display, as in claim 6;

a hand-held device having a display operable in connection with a consumer appliance having an application for reading closed captioning information from a video signal, a method for displaying information related to a viewed program, comprising: transmitting to the consumer appliance a request to receive a mark-up language page including information indicative of the closed captioning information and a field which specifies a refresh time interval; and displaying the received mark-up language page including the information indicative of the closed captioning information in the display; wherein the request to receive information is periodically transmitted at the refresh time interval specified within the field included within the mark-up language page, as in claim 19;

And, a readable media having instruction for displaying information, comprising transmitting to the consumer appliance a request to receive a mark-up language page including the information and a field which specifies a refresh time interval; and displaying the received mark-up language page including the information indicative of

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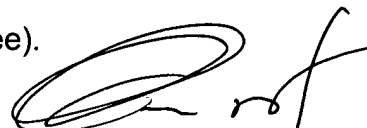
the closed captioning information in the display; wherein the request to receive information is periodically transmitted at the refresh time interval specified within the field included within the mark-up language page, as in claim 26.

### **Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (571) 272-7354. The examiner can normally be reached on 10:00am - 6:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paulos M. Natnael  
Primary Examiner  
Art Unit 2614

PMN   
February 2, 2006

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600